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C. Pat James

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EXAMINER

PRETLOW, DEMETRIUS R

ART UNIT

PAPER NUMBER

2863

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Please find below and/or attached an Office communication concerning this application or proceeding.

EC

## Office Action Summary

Application No.

10/735,124

Applicant(s)

JAMES, C. PAT

Examiner

Demetrius R. Pretlow

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-34 is/are rejected.
- 7) ☒ Claim(s) 5,6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/16/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Burnett et al. (US 6,067,030). Burnett et al. teach graphical user interface logic operable to provide a user with a plurality of periodically updated data points associated with a fuel monitor coupled to an AC plant; Note column 3, lines 1-4 and column 7, lines 52-60. Burnett et al. teach connection logic (internet) coupled to the graphical user interface logic, operable to connect to a monitoring server (50) and receive the plurality of periodically updated data points associated with the fuel monitor, the monitoring server being coupled to a plurality of fuel monitors via a network. Note column 4, lines 2-4 and column 6, lines 11-26.

In reference to claim 2, Burnett et al. teach a data gathering unit operable to receive a fuel level signal from the fuel monitor. Note column 5, lines 12-18.

In reference to claim 3, Burnett et al. teach wherein the server is operable to query the data gathering unit, and provide the connection logic with the fuel monitor signal. Note column 5, lines 12-18 and column 6, lines 18-21.

In reference to claim 4, Burnett et al. teach wherein the graphical user interface is further operable to provide a user with a plurality of periodically updated data points

associated with an AC plant. Note Figure 6 and column 4, lines 2-3 and column 7, lines 8-11 and 52-60.

In reference to claim 7, Brunett et al. teach wherein the graphical user interface is further operable to provide a user with a plurality of periodically updated data points associated with a DC plant (battery voltage) Note column 4, lines 1-4 and column 7, lines 52-60.

In reference to claim 8, Brunett et al. teach storage logic (26) operable to store a plurality of acceptable data points associated with the fuel monitor, (note column 3, lines 57 and 61-62) and report the acceptable data points to the user via the graphical user interface; (Note column 7, lines 60-62) and alarm logic (indicator) operable to notify a user via the graphical user interface logic responsive to the plurality of periodically updated data points associated with the fuel monitor being outside the plurality of acceptable data points. Note column 4, lines 1-4 column 7, lines 60-63.

In reference to claim 9, Brunett et al. teach wherein the alarm logic is operable to signal a minor alarm responsive to a portion of the periodically updated information being outside an initial acceptable data point, and operable to signal a major alarm responsive to a portion of the periodically updated information being outside a final acceptable data point. Note column 6, lines 28-38 and column 7, lines 60-63.

Claims 10 –34 are rejected under 35 U.S.C. 102(b) as being anticipated by Paul et al. (US 5,332,977). Given the broadest interpretation, in reference to claim 10, Paul et

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al. teach monitoring logic (70) operable monitor at least one fuel monitor associated with at least one AC plant (24) and receive a plurality of data signals associated with said at least one fuel monitor; Note column 9, lines 1-2, and 20-23. The plurality signals are the fuel level signals provided each time the engine is started because the elapsed time has been exceeded . Note column 11, 56-65 and column 12, lines 5. Paul et al. teach storage logic (71) operable to store at least one boundary parameter associated with said at least one fuel monitor; Note column 11, lines 25-31 and column 12, lines 21-25. Paul et al. teach communication logic operable to receive the plurality of data signals and said at least one boundary parameter and provide the plurality of data signals and said at least one boundary parameter to a remote computer (terminals). Note column 12, lines 23-34.

In reference to claim 11, Paul et al. teach wherein the monitoring logic is further operable to monitor at least one AC plant (24), and receive a plurality of data signals associated with said at least one AC plant. Note column 9, lines 20-22.

In reference to claim 12, Paul et al. teach wherein the storage logic is further operable to store at least one boundary parameter associated with said at least one AC plant. Note column 11, lines 28-35.

In reference to claim 13, Paul et al. teach alarm logic operable to notify at least one remote computer associated with the system responsive to any of the plurality of data signals associated with said at least one AC plant being outside said at least one boundary parameter associated with said at least one AC plant. Note column 12, lines 21-34.

In reference to claim 14, Paul et al. teach alarm logic operable to notify at least one remote computer associated with the system responsive to any of the plurality of data signals associated with said at least one fuel monitor being outside said at least one boundary parameter associated with said at least one fuel monitor. Note column 12, lines 1-6, and 21-34.

In reference to claim 15, Paul et al. teach wherein the communication logic is operable to periodically request a plurality of updated data signals from the fuel monitor. Note column 11, lines 52-65 and column 12, line 5. Each time the engine is started due to excessive time interval (periodically) the fuel level is monitored thereby producing plural fuel level readings.

In reference to claim 16, Paul et al. teach wherein the monitoring logic is further operable to monitor at least one DC plant, (battery 84) and receive a plurality of data signals associated with said at least one DC plant. Note column 11, lines 52-65 and column 12, line 5. Each time the engine is started due to excessive time interval (periodically) the battery voltage is monitored thereby producing plural battery voltage readings.

In reference to claim 17, Paul et al. teach wherein the storage logic is further operable to store at least one boundary parameter associated with said at least one DC plant (battery 84). Note column 11, lines 28-35 and column 12, line 1, 2 and 6 and 7.

In reference to claim 18, Paul et al. teach alarm logic operable to notify at least one remote computer associated with the system responsive to any of the plurality of data signals associated with said at least one DC plant (battery 84) being outside said at

least one boundary parameter associated with said at least one DC plant. Note column 12, lines 1, 2, 6, 7 and 21-34.

In reference to claims 19 and 27, Paul et al. teach requesting a plurality of data signals associated with the fuel monitor coupled to an AC plant (24); Note column 11, lines 52-65 and column 12, line 5. Each time the engine is started due to excessive time interval (periodically) the fuel level is monitored thereby producing plural fuel level readings suggesting that some sort of request has been made. Paul et al. teach receiving the plurality of data associated with the fuel monitor. The plurality signals are the fuel level signals provided each time the engine is started because the elapsed time has exceeded. Note column 11, 56-65 and column 12, lines 5. Paul et al. teach providing the plurality of data signals associated with the fuel monitor to a remote computer (terminal) for display to a user. Note column 12, lines 23-34.

In reference to claims 20 and 28, Paul et al. teach comparing each of the plurality of data signals associated with the fuel monitor to a corresponding plurality of boundary parameters associated with the fuel monitor; Note column 12, lines 1,2,6 and 21-34.

and notifying the remote computer responsive to any of the plurality of data signals associated with the fuel monitor being outside the corresponding boundary parameter. Note column 12, lines 1,2,6 and 21-34.

In reference to claims 21 and 29, Paul et al. teach requesting a plurality of data signals associated with the AC plant (24); Note column 11, lines 52-65 and column 12, line 5. Each time the engine is started due to excessive time interval (periodically) the oil pressure is monitored thereby producing plural oil pressure readings suggesting that

some sort of request has been made. Paul et al. teach receiving a plurality of data signals associated with the AC plant. Note column 9, lines 20-22. Paul et al. teach providing the plurality of data signals associated with the AC plant to a remote computer for display to a user. Note column 12, lines 23-34.

In reference to claims 22 and 30, Paul et al. teach comparing each of the plurality of data signals associated with the AC plant to a corresponding plurality of boundary parameters associated with the AC plant; Note column 12, lines 1,2,6 and 21-34.

Paul et al. teach notifying the remote computer responsive to any of the plurality of data signals associated with the AC plant being outside the corresponding boundary parameter. Note column 12, lines 1,2,6 and 21-34.

In reference to claims 23 and 31, Paul et al. teach requesting a plurality of data signals associated with an DC plant (battery); (Each time the engine is started due to excessive time interval (periodically) the battery voltage is monitored thereby producing plural oil pressure readings suggesting that some sort of request has been made.) Note column 11, lines 52-65 and column 12, line 5. Paul et al. teach receiving the plurality of data signals associated with the DC plant; Each time the engine is started due to excessive time interval (periodically) the battery voltage is monitored thereby producing plural battery voltage readings. Note column 12, lines 1, 2 and 6. Paul et al. teach providing the plurality of data signals associated with the DC plant to a remote computer for display to a user. Note column 12, lines 23-34.



In reference to claims 24 and 32, Paul et al. teach comparing each of the plurality of data signals associated with the DC plant to a corresponding plurality of boundary parameters associated with the DC plant; Note column 12, lines 1,2,6, 21-25.

Paul et al. teach notifying the remote computer responsive to any of the plurality of data signals associated with the DC plant being outside the corresponding boundary parameter. Note column 12, lines 1,2,6 and 21-34.

In reference to claims 25 and 33, Paul et al. teach displaying the plurality of data signals associated with the fuel monitor on the remote computer. Note column 12, lines 31-34.

In reference to claims 26 and 34, Paul et al. teach updating the plurality of data signals associated with the fuel monitor. The plurality signals are the fuel level signals provided each time the engine is started because the elapsed time has exceeded thus updating when the engine is started . Note column 11, 56-65 and column 12, lines 5.

### ***Allowable Subject Matter***

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record particularly Burnett et al. (US 6,067,030) does not teach the claim limitation of testing logic operable to receive feedback from the user and simulate a commercial power failure at a site associated with the AC plant. It is these limitations found in each of the claims, as they are claimed

in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (571) 272-2278. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Demetrius R. Pretlow

*Demetrius Pretlow* 5/26/05

Patent Examiner

**BRYAN BUI**  
**PRIMARY EXAMINER**

*Bryan Bui*  
5/31/05